

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JANE DOE,	:	CIVIL ACTION
<i>Plaintiff,</i>	:	
	:	
v.	:	
	:	
WAL-MART STORES EAST, LP,	:	
<i>Defendant.</i>	:	No. 25-cv-1723

ORDER

AND NOW, this 3rd day of July 2025, upon consideration of Defendant's Partial Motion to Dismiss (ECF No. 10) and Plaintiff's First Amended Complaint (ECF No. 14), it is hereby **ORDERED** that Defendant's Motion to Dismiss (ECF No. 10) is **DENIED AS MOOT**.¹

BY THE COURT:

/s/ **Chad F. Kenney**

CHAD F. KENNEY, JUDGE

¹ When a plaintiff files an amended complaint, the district court has discretion to either deny a pending motion to dismiss as moot or "evaluat[e] the motion in light of the facts alleged in the complaint." *Pettaway v. Nat'l Recovery Sols., LLC*, 955 F.3d 299, 304 (2d Cir. 2020) (per curiam); see also *Gov't Emps. Ins. Co. v. Mount Prospect Chiropractic Ctr., P.A.*, 101 F.4th 272, 282 (3d Cir. 2024). Defendant may move to dismiss the amended complaint in the manner and timeframe set forth by the Federal Rules of Civil Procedure. See Fed. R. Civ. P. 15(a)(3).